

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 2830 - SB 2672**

February 8, 2012

**SUMMARY OF BILL:** Effective July 1, 2012, authorizes the Department of Correction to contract with approved private probation companies to furnish probation supervision and services to Class E offenders placed on probation when the state probation officer caseloads are high and the probationer could receive increased supervision and services from a private probation provider; or when the private probation provider offers specialized services, treatment, or training not available from the state. In order to contract with the Department, requires a private probation provider to meet all qualifications established by the Private Probation Services Council; keep all records in an electronic format; maintain professional liability insurance of not less than \$1,000,000 in addition to a general liability policy; have been a private provider of misdemeanor probation services for at least 15 years or have been a private provider of misdemeanor probation services for at least 2 years and a state probation officer for at least 13 years. Requires any eligible private probation provider who wants to contract with the Department to register with the Department and the Council. Requires such private probation provider to maintain statistics on the probationers supervised and to submit a quarterly report to the Department. Authorizes a private probation provider to charge a supervision fee not to exceed \$60 per month to be paid by the offender. Authorizes the court to waive or reduce the supervision fee if the probationer cannot afford to pay. Requires an employee of a private probation provider to have a bachelor of science degree or at least two years of related work experience in order to supervise a felon probationer. The proposed bill does not apply to offenders who are governed by the Interstate Compact for Supervision of Adult Offenders.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

**Assumptions:**

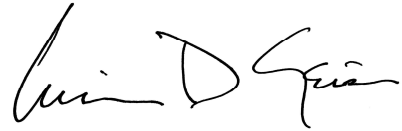
- Under current law, private probation providers are not allowed to contract for supervision of felony offenders, only misdemeanants. Some private probation providers were in business before laws were passed in 1998 to regulate the industry. In 2005, the Council was appointed and the Department of Commerce and Insurance began issuing licenses. Because the proposed eligibility requirements vary from the current requirements, it is not known how many private probation providers meet the minimum standards set out in the proposed legislation.

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- Currently, the Board of Probation and Parole (BOPP) supervises felony offenders who are granted parole by the Board and probation by the courts. According to the BOPP FY10-11 Annual Report, the Board supervises approximately 54,235 probationers at a cost of \$2.96 per offender per day.
- There are 19 Community Corrections providers under contract with BOPP to provide supervision of 7,584 offenders at a cost of \$4.83 per offender per day.
- BOPP is unable to provide the number of Class E offenders currently on probation or under Community Corrections supervision.
- It is assumed that the Department of Correction will only contract with a private probation provider to provide supervision services of selected Class E offenders if the cost of doing so is not more than the current rate that BOPP pays for contracted services.
- It is unknown how many Class E felony offenders will be selected by the Department to be supervised by a private probation provider.
- It is assumed the Department will be able to handle the additional contracting duties within existing resources without an increased appropriation or reduced reversion.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/lsc